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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/067,345	02/07/2002	Osamu Isaji	111917	4613

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EXAMINER

GREGORY, BERNARR E

ART UNIT	PAPER NUMBER
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3662

DATE MAILED: 01/27/2003

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

10/067,345

Applicant(s)

ISAJI, OSAMU

Examiner

Bernarr E. Gregory

Art Unit

3662

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☐ Responsive to communication(s) filed on ____.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-48 is/are pending in the application.
- 4a) Of the above claim(s) ____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) ____ is/are allowed.
- 6) ☒ Claim(s) 1-48 is/are rejected.
- 7) ☐ Claim(s) ____ is/are objected to.
- 8) ☐ Claim(s) ____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on ____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) ☐ The proposed drawing correction filed on ____ is: a) ☐ approved b) ☐ disapproved by the Examiner.
- If approved, corrected drawings are required in reply to this Office action.
- 12) ☐ The oath or declaration is objected to by the Examiner.

Priority under 35 U.S.C. §§ 119 and 120

- 13) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some * c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. ____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).
- a) ☐ The translation of the foreign language provisional application has been received.
- 15) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449) Paper No(s) ____.
- 4) ☐ Interview Summary (PTO-413) Paper No(s). ____.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: _____.

Art Unit: 3662

1. Claims 1-48 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

In independent claims 1, 12, 14, 16, 20, and 31, it is unclear if the alignment is being done for a radar on a mount or for a mount on which a radar is later to be mounted. For example, on line 3 of claim 1, the phrase "on which the radar device is to be mounted" implies the radar is to be mounted in the future, but is not yet there during the alignment; however, on line 9 of claim 1, the phrase "toward the radar device" implies that the radar is in place. Similar language is found in each of claims 12, 14, 16, 20, and 31.

Throughout claims 1-48, the mixed use of forms of the verbs "emit" and "transmit" make the claims indefinite and unclear in that it is unclear if the same action is in view. If the same action is in view for the use of each word, it is not clear why the same verb is not used throughout. For example, please note the use of "emitted" on line 5 of claim 1 and of "transmitting" on line 9 of claim 1.

Claim 2 is indefinite and unclear in that it was apparently intended to be a dependent claim due to the use of "further comprising" in the preamble, but the reference to the claim from which it depends was mistakenly omitted.

In independent claim 29, the format of the claim appears to be an attempt at a Jepson format due to the recitation of structure in the preamble, but the lack of the word "further" with the word "comprising" at the end of the preamble makes

the claim unclear as to whether the elements recited in the preamble are claimed or not. If they were not claimed, then the claim would be a single-means claim.

On lines 4-5 of independent claim 41, the claim language is unclear as to what is being measured in that "receiving level" would imply an amplitude, but the use of an "FFT system" would point away from "receiving level" meaning an amplitude.

In independent claim 48, it is unclear how the claimed first and second reflectors can transmit. A reflector would only reflect. Please note the uses of the word "transmitting" on lines 4 and 7 of claim 48.

Throughout claims 1-48, the uses of the word "intensity" (e.g., on line 4 of claim 16) are indefinite and unclear in context. Is power level meant?

Dependent claims 3-11, 13, 15, 17-19, 21-28, 30, 32-39, and 43-47 are unclear in that they depend from unclear independent claims.

2. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

3. Claim 40 is rejected under 35 U.S.C. 102(b) as being anticipated by Skillman et al ('478).

Independent claim 40 is met by the pulse Doppler moving target simulator as shown in Figure 1 of Skillman et al ('478). Please note the receipt of signals

at item 31 in Figure 1 and the converting of the signals in frequency at item 22 of Figure 1. Inherently, Skillman et al ('478) would shift signals up or down in frequency depending on whether the simulated moving target was "moving" toward or away from the radar unit under test.


4. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

The examiner-cited prior art herewith and not applied above is of general interest for showing systems and methods of aligning radars.

5. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Bernarr E. Gregory whose telephone number is (703) 306-5765. The examiner can normally be reached on weekdays from 7:30 AM to 4:00 PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Thomas H. Tarcza, can be reached on (703) 306-4171. The fax phone number for the organization where this application or proceeding is assigned is (703) 872-9326.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is (703) 308-1113.


Bernarr E. Gregory
Primary Examiner
Art Unit 3662